

Application No.: 10/526,207
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Page 7 of 7

REMARKS

Claims 20-37 were pending in the application. Claims 20, 29 and 31 have been amended and new claims 38-39 have been added based on originally filed claims. Thus, claims 20-39 are now pending in the present application.

Restriction Requirement

Applicants elect Group I, claims 20-21, 23-25, 28-30, and 33-34 with traverse. Applicants additionally request that Group V, claims 31-32, be included in Group I, in view of the amendment to correct the dependency of claim 31 (previously dependent on a cancelled claim). Applicants further respectfully request that new claims 38-39, which ultimately depend from claim 20 of Group I, be grouped along with the claims of Group I.

The Restriction is traversed for the following reasons. 37 C.F.R. § 1.475(a) states that unity of invention is fulfilled if there is a technical relationship among those inventions involving *one or more* of the same or corresponding special technical features. The expression "special technical features" is defined as those technical features that define a contribution which each of the claimed inventions, *considered as a whole*, makes over the prior art.


The claims of the present application disclose the use of GTP cyclohydrolase as a fungicidal target and methods using same to identify fungicidal compounds. Inhibition assays are disclosed identifying fungicidal compounds among the method claims of Group I. The methods disclosed can be based on activity assays, as in the claims of Group III, or inhibition assays, as in Group IV claims, of GTP cyclohydrolase. In using the methods disclosed, various nucleic acid sequences can be used, *inter alia*, Group II. Thus, Groups I through V all share the same inventive concept when the claimed invention is considered as a whole. Reconsideration and withdrawal of the Restriction requirement is respectfully requested.

If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

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